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# COMMERCIAL LAW DEVELOPMENT PROGRAM

OCTOBER 2014 – MARCH 2018

\$12.1 MILLION

## OVERVIEW

Legal protection for business is critical to long-term economic growth. In Afghanistan, the legal regulations for commerce are underdeveloped and businesses do not always have access to this legal protection. In addition, the country lacks skilled lawyers and judges who are able to argue and adjudicate commercial cases. Commercial laws are poorly written and ineffective for modern day commercial needs. That is why USAID partners with the U.S. Department of Commerce in its Commercial Law Development Program to achieve an effective commercial legal framework and provide greater economic opportunities for Afghan entrepreneurs.

The Commercial Law Development Program addresses the following goals: (1) Increase the capacity of the Afghan academic community in providing commercial law education; (2) Promote a business-enabling environment where the private sector can engage in legitimate and transparent business practices to avoid legal disputes; (3) Enhance the capacity of the Afghan government to effectively

administer and enforce commercial law; and (4) Develop, strengthen, and promote alternate dispute resolution mechanisms.

## ACTIVITIES

- Develop commercial law clinics and trade law courses at Afghan universities.
- Support a 10-month moot arbitration competition program at 10 Afghan universities.
- Broaden the commercial law curriculum at Afghan law schools through training and capacity-building activities for faculty, administrators, and Ministry of Higher Education officials.
- Conduct training programs and workshops on legislative topics, contract administration, and arbitration/media skills for a varied audience, including businesswomen and officials from the Ministry of Justice (MOJ), Ministry of Mines and Petroleum (MoMP), Ministry of Communications and Information Technology (MoCIT), Afghanistan Telecommunications Regulatory Authority, and the Ministry of Commerce and Industries (MoCI).
- Advise MoMP, MoCIT, MOJ and MoCI on the drafting and implementation of new laws and regulations.
- Assist the National Procurement Authority (NPA) with legislative amendments, procurement dispute resolution, and a procurement certification system.
- Publish and distribute a business law handbook on contracts.
- Provide support and training for the newly established Afghanistan Business Integrity Network, a private sector-managed entity that deals with corruption in private businesses.
- Support business integrity training programs for the private sector, civil society, judiciary, media and government to improve transparency and legitimate business practices in Afghanistan.
- Establish an incubation and mentorship program for alumni of CLDP.
- Establish Central Asia-Afghanistan Working Groups in the areas of Sanitary Phytosanitary Customs and Standards measures with respect to WTO and Trade Framework Agreement compliance.

## ACCOMPLISHMENTS

- Conducted advanced seminar on administrative processes, quality of service/pricing and digital television transition for 15 mid-level officials from the Afghanistan Telecommunication Regulatory Authority and MoCIT.
- Conducted commercial law clinic course for 20 Kabul University Law School students.
- Prepared 60 students from 10 Afghan universities (Kabul University, Kardan University, American University of Afghanistan, Karwan University, Nangarhar University, Al-Beroni University, Dunya University, Kateb University, Kandahar University, and Goharshad University) through a 10-month program in critical thinking and oral and written advocacy skills for the 2015 Vis (East) Moot Court competition, one of the world's most prestigious commercial law moot competitions.
- Assisted MoCIT in drafting Afghanistan's cybersecurity and e-Signature law.
- Assisted MoCI in drafting the Afghanistan Insolvency Law and the Afghanistan Company law.
- Assisted the NPA with amendments to the Afghanistan Procurement Law.
- Established the Afghan Center for Dispute Resolution.
- Established the Competition Promotion and Consumer Protection Directorate within MoCI.

- Assisted the office of the Deputy Minister of Trade within MoCI with Afghanistan's WTO accession.
- Assisted MoMP in drafting amendments to the Afghanistan Minerals Law.
- Facilitated MOUs signed with respect to SPS and Customs Working Groups with Tajikistan, Kyrgyzstan, Turkmenistan, and Kazakhstan. The MOU established the mandate of working level officials from each country to collaborate and coordinate on various international and regional standards relating to cross-border trade in the Central-Asia Afghanistan region.

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